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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
William James Imoehl
Application No. 09/474,766
Filed: December 30, 1999
Attorney Docket No. 051252-5028
Title: FUEL INJECTOR WITH
THERMALLY ISOLATED SEAT

This is a decision on the petition filed on March 22, 2002, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed November 20, 2000, which set a shortened statutory period for reply of three (3) months. On April 20, 2001, a Request for Reconsideration was received, along with a two-month extension of time. Applicant's arguments were not considered to be persuasive, and on May 3, 2001, an advisory action was mailed. On May 21, 2001, a Request for Continued Examination (RCE) was received. However, the RCE was not accompanied by a submission², and consequently a Notice of Improper Request for Continued Examination (Notice) was mailed on June 4, 2001. The Notice

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² If prosecution in an application is closed, an applicant may request continued examination of the application by filing both the requisite fee and a submission. See 37 C.F.R. §1.114. Examples of acceptable submissions are set forth in section (c) of this title.

did not extend the period for reply set forth in the final Office action. Accordingly, the above-identified application became abandoned on April 21, 2001.

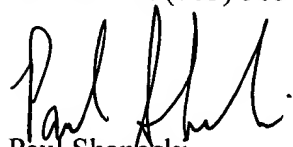
37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the instant petition, petitioner has filed the petition fee, a Request for Reconsideration, and has made a statement which is being construed as the proper statement of unintentional delay. Hence, petitioner has met all other requirements for a grantable petition under 37 C.F.R. §1.137(b).

As the RCE was filed last fiscal year, last fiscal year's fee was charged. The submission was submitted with the instant petition. As such, the difference in price of \$30.00 has been charged to petitioner's deposit account, as authorized in the petition.

The application file is being forwarded to Technology Center 3700 for consideration of the submission under 37 C.F.R. §1.114, the request for reconsideration filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy